

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

MDL No. 1456

Civil Action 01-CV-12257-PBS

Judge Patti B. Saris

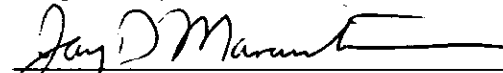
THIS DOCUMENT RELATES TO: *Rice v.*
Abbott Laboratories, Inc., No. 3:02-cv-3925,
(N.D. Cal.), *Thompson v. Abbott Laboratories,*
Inc., No. 3:02-cv-4450 (N.D. Cal.), and *Turner*
v. Abbott Laboratories, No. 3:02-cv-5006
(N.D. Cal.)

DEFENDANT MYLAN LABORATORIES INC.'S MOTION TO DISMISS

Defendant Mylan Laboratories Inc. ("Mylan"), pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the accompanying Memorandum of Law in support of this Motion and Defendants' consolidated Motion to Dismiss the Unnamed Defendants, which are incorporated herein by reference, move that this Honorable Court dismiss Mylan from the Amended Master Consolidated Complaint and the individual complaints filed in: *Rice v. Abbott Laboratories, Inc., et al.*, No. 3:02-cv-3925 (N.D. Cal.), *Thompson v. Abbott Laboratories, Inc., et al.*, No. 3:02-cv-4450 (N.D. Cal.), and *Turner v. Abbott Laboratories, et al.*, No. 3:02-cv-5006 (N.D. Cal.), with prejudice.

Dated: July 18, 2003

Respectfully submitted,



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Attorneys for Defendant Mylan Laboratories Inc.

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<i>v. Abbott Laboratories</i> , No. 3:02-cv-5006)	
(N.D. Cal.))	

ORDER

AND NOW, this ____ day of _____, 2003, after consideration of Defendant Mylan Laboratories Inc.'s Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), it is hereby ORDERED, ADJUDGED AND DECREED that said Motion is GRANTED, and Mylan Laboratories Inc. is hereby dismissed from the Amended Master Consolidated Complaint and the individual complaints filed in: *Rice v. Abbott Laboratories, Inc., et al.*, No. 3:02-cv-3925 (N.D. Cal.), *Thompson v. Abbott Laboratories, Inc., et al.*, No. 3:02-cv-4450 (N.D. Cal.), and *Turner v. Abbott Laboratories, et al.*, No. 3:02-cv-5006 (N.D. Cal.), with prejudice.

By: _____
Honorable Patti B. Saris, J.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of Defendant Mylan Laboratories Inc.'s Motion to Dismiss was served on all counsel of record via electronic service pursuant to Case Management Order No. 2 on July 18, 2003.



Ryan James